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CELAYA, ADAN TEJADA, VICTORIA
HARRISON, ALLAN KOLLING, TOM KLATT
and SUSAN VON SEEBURG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, individually and as
Guardian ad Litem for ERIC SUN,
disabled,

Plaintiffs,

v.

ROCKRIDGE MANOR
CONDOMINIUM, et al.,

Defendants.

Case No. C-07-4005 EMC

**DECLARATION OF CONSTANCE
PEPPERS CELAYA IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
PURSUANT TO FRCP 12(b)(6) OR, IN THE
ALTERNATIVE, MOTION FOR
SUMMARY JUDGMENT [F.R.C.P. 56]**

Date: April 23, 2008
Time: 10:30 a.m.
Courtroom: C
Judge: Magistrate Judge Edward M. Chen

I, CONSTANCE PEPPERS CELAYA, declare:

1. I am currently the Senior Public Safety Dispatcher in the UC Berkeley Police Department where I have been employed since 1978. I have been employed as a dispatcher in the department for fifteen years. I have personal knowledge of the following facts and could and would testify thereto in court if called upon to do so.

2. In connection with Ms. Chang's allegations in the Amended Complaint concerning alleged communications at the September 16, 2005 hearing on Ms. Chang's "Motion to Vacate/Set Aside Judgment," the only persons who appeared at that hearing were Ms. Chang, Mr. Sun and me. None of the other named defendants (Chancellor Birgeneau, Susan Von Seeburg, Victoria Harrison, Adan Tehada, Tom Klatt and Allan Kolling) appeared at the hearing and I had

1 no communications (verbal or written) with any of the named defendants about the hearing before
2 or after the hearing. I have had no contact, either written or verbal with Plaintiffs since the
3 September 16, 2005 hearing and have never made any representations to Ms. Chang (either in
4 writing or verbally) about providing her with any portion of my personnel file, including my
5 training records.

6 3. I did obtain a computerized printout of the training I had undergone before I
7 became a dispatcher at the UCB Police Department. I took that printout to the September 16,
8 2005 hearing and showed the printout to Judge Castellanos at the hearing. Judge Castellanos
9 looked at the document and returned it to me. There was no instruction by the court to provide a
10 copy of the record to Ms. Chang at any time. I have had no communications with Judge
11 Castellanos since the conclusion of the September 16, 2005 hearing other than receipt of Judge
12 Castellanos order denying the motion as untimely and for plaintiff's failure to provide good cause
13 for the motion to be granted on the merits. (See Exhibit C to Request for Judicial Notice in
14 Support of Motion to Dismiss (original complaint) filed on October 17, 2007).

15 4. In connection with Ms. Chang's allegations concerning her receipt of parking
16 citations, at no time did I have any communications with any traffic enforcement officer about
17 Ms. Chang and at no time did I ask or instruct any traffic enforcement officer to cite Ms. Chang
18 with a parking ticket while on the U.C. Berkeley campus.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this
20 14th day of March, 2008 at Berkeley, California.

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22 /s/ Constance Peppers Celaya
23 CONSTANCE PEPPERS CELAYA
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